

CHAPTER NO. 102

HOUSE BILL NO. 2040

By Representatives McMillan, Shepard

Substituted for: Senate Bill No. 1940

By Senators Crutchfield, Kurita

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 1, Part 1, Title 68, Chapter 24, Part 6, and Title 68, Chapter 29 relative to collection of costs of investigation and prosecution in disciplinary actions before the division or various boards, councils and/or committees regulated pursuant to the authority of the Department of Health.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately numbered section:

63-1- In addition to any existing authority regarding the requirement to pay costs in disciplinary proceedings, when the division or any board, council, or committee created pursuant to Tennessee Code Annotated, Title 63 and/or Title 68, Chapters 24 and 29 and regulated under the authority of the department of health imposes sanctions on a license or certificate holder in any disciplinary contested case proceeding, the license or certificate holder may, at the discretion of the division, board, council or committee before which the contested case proceeding was held be required to pay the actual and reasonable costs of the investigation and prosecution of the case, which shall include, but not be limited to, the following:

(a) All costs absorbed by the division or attributed to and assessed against the board, council, or committee by the division's bureau of investigations in connection with the prosecution of the matter including all investigator time, travel and lodging incurred during the prosecution.

(b) All costs absorbed by the division or assessed against the board, council, or committee by the division for the use of the division facilities and personnel for prosecution of the matter.

(c) All costs assessed against the division, board, council, or committee for the appearance fees, transcripts, time, travel and lodging of administrative law judges and court reporters and witnesses required in the prosecution of the matter.

(d) All costs attributed to and assessed against the division, board, council, or committee by the department's office of general counsel in connection with the prosecution of the matter including all attorney and paralegal time, travel and lodging incurred during the prosecution of the matter.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: April 23, 2003



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 7th day of May 2003



PHIL BREDESEN, GOVERNOR